



## PLANNING COMMISSION AGENDA

November 18, 2015, 7:00 p.m.  
Multipurpose Room/Council Chamber  
Burien City Hall, 400 SW 152<sup>nd</sup> Street  
Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on [www.burienmedia.org](http://www.burienmedia.org)

### 1. ROLL CALL

### 2. AGENDA CONFIRMATION

### 3. APPROVAL OF MINUTES

- A. October 28, 2015
- B. November 4, 2015

### 4. PUBLIC COMMENT

Public comment will be accepted on topics not scheduled for a public hearing.

### 5. OLD BUSINESS

- A. Discussion and Recommendation regarding 2015 Zoning Code Amendments, Keeping of Animals and text corrections

### 6. NEW BUSINESS

None

### 7. PLANNING COMMISSION COMMUNICATIONS

### 8. DIRECTOR'S REPORT

### 9. ADJOURNMENT

#### Future Agendas (Tentative)

December 9, 2015  
- Meeting Canceled

December 23, 2015  
- Meeting Canceled

Planning Commission meetings are accessible to people with disabilities. Please phone (206) 248-5517 at least 48 hours prior to the meeting to request assistance. American Sign Language (ASL) interpretation and assisted listening devices are available upon request.

#### Planning Commissioners

Butch Henderson  
Joel Millar

Curtis Olsen (Chair)  
Amy Rosenfield (Vice-Chair)  
Brooks Stanfield

Jim Clingan  
Douglas Weber

*City of Burien*

BURIEN PLANNING COMMISSION

October 28, 2015

7:00 p.m.

Multipurpose Room/Council Chambers

MINUTES

*To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:*

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

**CALL TO ORDER**

Chair Curtis Olsen called the October 28, 2015, meeting of the Burien Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Present: Jim Clingan, Butch Henderson, Curtis Olsen and Brooks Stanfield

Absent: Joel Millar, Amy Rosenfield, and Douglas Weber

Administrative staff present: David Johanson, senior planner; Chip Davis, Community Development Department director; Brandi Eyerly, planner

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Commissioner Stanfield, seconded by Commissioner Henderson, to approve the agenda for the October 28, 2015, meeting. Motion passed 4-0.

**APPROVAL OF MINUTES**

**Direction/Action**

**Motion** was made by Commissioner Stanfield, seconded by Commissioner Henderson, and passed 4-0 to approve the minutes of the October 14, 2015, meeting.

**PUBLIC COMMENT**

**Anna Friel**, 11232 26<sup>th</sup> Ave S., said she watched the video of the public hearing on her requested rezone and she felt there was some misleading information presented about the neighborhood near her property. She said the houses to the immediate north and south of her are not owner-occupied. She said there are sidewalks on 26<sup>th</sup> Avenue and the school bus stop is at the driveway for the apartments across the street, so children aren't walking in the street. She also said the traffic goes from 116<sup>th</sup> straight to the apartment complex. She said a concern was expressed about having an apartment complex next to a freeway, but she said she thinks that would be a better use than having multiple single-family houses next to a freeway. She said she doesn't understand how Planning staff can say her request doesn't meet the criteria for rezone when a similar property at 12010 26<sup>th</sup> Ave S wasn't rezoned in 2013 the way hers was; she said it isn't fair. She reminded the commissioners that her request is for restoration of the previous zoning designation. She said she understood that part of the annexation of what is now North Burien was an agreement that the zoning wouldn't change; she believes the City has violated such an agreement.

Commissioner Henderson asked when the Friels purchased the property and did they intend at that time to take advantage of the multi-family zoning. She said they purchased it in 2012 as an investment for the future.

Commissioner Clingan remarked that the property still has development potential for single-family homes.

**Jim Solaegui**, 11219 25<sup>th</sup> Ave SW, asked that the limit on the number of goats that can be kept on a residential lot not be increased as he believes their food and water attract vermin and noxious insects.

## **OLD BUSINESS**

Because the rezones under consideration are quasi-judicial in nature, David Johanson, senior planner, asked the commissioners questions related to any personal or financial interests they might have in the requests and whether any of them have had ex parte communications with the proponents or opponents of the requests. All responded that they do not. He then reminded them that their role is to render a recommendation to the City Council based on the record before the planning commission and may not consider evidence or testimony outside the record presented to it.

### **A. Discussion and Recommendation regarding 2015 Comprehensive Plan Amendment, MS Properties Rezone Request, PLA 15-0391**

The request is to change the Comprehensive Plan designation of four parcels from Office to High-density Multi-family Neighborhood and to change the zoning designation from Office to Residential Multi-family-48 (RM-48). Mr. Johanson said the request met the criteria for approval.

Commissioner Clingan said he recently drove through the area and found it to be a unique neighborhood. He said he thinks maximum use of the properties in question might be beneficial to the neighborhood. Commissioner Henderson said he understood the applicant to say that new development on the vacant parcel will attract a better clientele than do the older apartments on the adjacent parcels, which will be good for the neighborhood.

Commissioner Stanfield says there does seem to be a mismatch between the existing multi-family housing and the adjacent single-family neighborhood. He said he was wondering if an RM-18 designation, as opposed to RM-48, was discussed at the last meeting as a type of transition between the two uses. He said he believes some compromise will have to happen if anything is developed on the vacant parcel. He said he doesn't feel the street can accommodate high-density development.

Commissioner Clingan asked if there are ways for the Planning staff to require improvements to alleviate the parking situation with the apartments if the vacant parcel was to be developed.

Mr. Johanson replied that when a parcel is developed there are requirements to be met concerning adequate parking and proper access, as well as things like private and common recreation space, building height, stormwater management and others. He noted that the City cannot go back and retroactively apply today's standards on buildings built back in the 1960s, as were the apartment buildings on the surrounding parcels. Mr. Johanson said the question before the commission is "is this the appropriate land use designation based on the criteria that we have in our Comprehensive Plan and Zoning Code?" He said the total number of units that may be developed on a multi-family parcel do not always match the zoning designation once things like parking and recreation space are included.

Chair Olsen said that with the emphasis lately of focusing growth in the urban center, this seems like a reasonable request.

### **Direction/Action**

Commissioner Stanfield moved the Planning Commission recommend to the City Council approval of the Comprehensive Plan amendment request from Office to High-density Multi-family Neighborhood and zoning map amendment from Office (O) to Residential Multi-family-48 (RM-48) and adopt the

findings and conclusions as presented in the staff report. Commissioner Henderson seconded the motion. Motion carried 4-0.

**B. Discussion and Recommendation regarding 2015 Comprehensive Plan Amendment, Friel Rezone Request, PLA 15-0430**

In response to a question from Commissioner Henderson, Mr. Johanson said that when the area was annexed into Burien, during the transition to Burien the City attempted to match the existing zoning to what was already there with the understanding that the City would at some point do a community planning process to evaluate if the zoning was appropriate. During that process each of the different corridors was examined, three different alternatives were considered, there were open houses and hearings, and the result was the zoning designations now in place.

**Direction/Action**

Commissioner Clingan moved the Planning Commission recommend to the City Council denial of the Comprehensive Plan amendment request from Moderate Density Single-family Residential to Moderate Density Multi-family Neighborhood and zoning map amendment from Residential Single-family-7,200 (RS 7,200) to Residential Multi-family-18 (RM-18) and adopt the findings and conclusions as presented in the staff report. Commissioner Stanfield seconded the motion.

Commissioner Clingan recalled, as a planning commissioner at the time of the annexation, that the City knew Burien's zoning would not match the existing King County zoning designations, hence the public planning process. He recalled that since everything on the east side of 26<sup>th</sup> Avenue South south of 112<sup>th</sup> is developed as single-family housing, the decision was made to change the zoning to match the current land use.

Commissioner Stanfield asked if there was any discussion at the previous meeting about the slope on the property. Mr. Johanson replied that he recalled that there was, but it wouldn't present as potentially big an issue as the stream on the north property line might.

Motion carried 3-1.

**C. Discussion and Recommendation regarding 2015 Comprehensive Plan Text Amendments**

Mr. Johanson provided a quick review of the proposed map and text amendments.

Referring to item #6, which addresses climate change, Commissioner Clingan said he is not convinced climate change is manmade; therefore, regarding the proposed Comprehensive Plan policy language, he thinks the more general proposed Policy SU 6.2 is sufficient. He surmised that proposed Policy SU 6.1 might be too much for skeptics such as himself.

Commissioner Henderson agreed that Pol. SU 6.2 is probably sufficient for Burien, which can then follow the lead of larger jurisdictions such as King County.

Chair Olsen noted that in cities there is a phenomenon known as "urban heat island effect," where in dense cities there are higher temperatures resulting from the infrastructure of the urban density, vehicular traffic, buildings, roadways, etc., absorbing and radiating heat. He said Pol. SU 6.1 is a way to mitigate the effects of increased urban density while being less resource intensive. He said the benefits would trickle down to the human environment.

Commissioner Stanfield said that a policy on climate change signals to our peers and ourselves that we are accepting the challenges of today and we're trying to do better and take part by coming up with changes. He said he feels compelled by what he hears from his children to honor their desire to have climate change addressed and prefers to leave Pol. 6.1 in as a value statement.

### **Direction/Action**

Commissioner Stanfield moved the Planning Commission recommend to the City Council approval of the Comprehensive Plan amendments as set forth in the October 21<sup>st</sup> staff memo and associated attachments. Commissioner Henderson seconded the motion. Motion carried 3-1.

## **NEW BUSINESS**

### **A. Introduction to 2015 Zoning Code Amendments, Keeping of Animals and text corrections**

Chip Davis, Community Development director, said this topic will be on the City Council's agenda beginning with the first meeting in December, so the commission has a few meetings to work with it. He noted there will be a public hearing at the commission's Nov. 4 meeting.

Brandi Eyerly, planner, reviewed the proposed amendments to the Keeping of Animals code with the commissioners.

Chair Olsen said he would like to see clear definitions of goat and miniature goat.

Commissioner Stanfield, referring to the desire to allow two or more herd animals, asked where the limit of one animal per one-quarter acre available for the animal's occupancy originated, since it limits people's ability to have more than one of those animals. Ms. Eyerly said that figure was recommended as a minimum by the local goat adoption organization.

Under beekeeping, Chair Olsen asked for the definition of a hive. Ms. Eyerly said a hive is a box roughly 16 inches wide by 19 inches long by 19 inches high that can be stacked on another hive. Mr. Davis noted that *beehive* is defined in the Zoning Code as "a structure designed to contain one colony of honeybees (*apis mellifera*).” Chair Olsen noted that under Beekeeping, the second half of item A is the same as item B.

Mr. Davis reminded commissioners that they will have a public hearing on the keeping of animals amendments and the minor Zoning Code amendments at their Nov. 4 meeting. He then briefly reviewed the proposed minor amendments.

## **PLANNING COMMISSION COMMUNICATIONS**

None.

## **DIRECTOR'S REPORT**

Mr. Davis noted that the next two commission meetings could be the end of the year if the commission finishes its work. The December 23<sup>rd</sup> meeting likely will be canceled because it is so close to Christmas.

## **ADJOURNMENT**

### **Direction/Action**

Commissioner Henderson moved for adjournment; Commissioner Stanfield seconded. Motion carried unanimously. The meeting adjourned at 8:48 p.m.

**APPROVED:** \_\_\_\_\_

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Curtis Olsen, chair  
Planning Commission

*City of Burien*

BURIEN PLANNING COMMISSION

November 4, 2015

7:00 p.m.

Multipurpose Room/Council Chambers

MINUTES

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**CALL TO ORDER**

Chair Curtis Olsen called the November 4, 2015, meeting of the Burien Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Present: Jim Clingan, Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield, and Douglas Weber

Absent: Brooks Stanfield

Administrative staff present: Chip Davis, Community Development Department director; Brandi Eyerly, planner

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Vice Chair Rosenfield, seconded by Commissioner Millar to approve the agenda for the November 4, 2015, meeting. Motion passed 6-0.

**PUBLIC COMMENT**

**Jim Solaegui**, 11219 25<sup>th</sup> Ave SW, asked that the number of goats that can be kept on a residential lot not be increased as he believes their food and water attract vermin and noxious insects and referred to information he submitted as written testimony for tonight's hearing.

**PUBLIC HEARING**

**A. 2015 Zoning Code Amendments, Keeping of Animals and text corrections**

Chair Olsen opened the public hearing at 7:06 p.m.

**Jim Solaegui** said he has a bachelor of science from the College of Agriculture at the University of Nevada; works for the Federal Grain Inspection Service, which is part of the USDA; and has worked on family farms up to 160 acres in size; concluding that he has experience with farms and livestock.

Commissioner Henderson asked Mr. Solaegui if he is a property owner impacted by the keeping of goats; he replied that he is. His neighbor is keeping goats. He said he has had rodents come from that property and the maintenance of the property has been questioned in the past, so he's worried about the continued diligence to maintain the property to minimize impacts from rodents or raccoons attracted by the property.

Vice Chair Rosenfield asked if rats can be attracted by any kind of animal feed outside, including dog food, not just goat food. Mr. Solaegui said that is true and is why health departments recommend

feeding pets indoors. Since goats are livestock, he said, they would have to be fed outdoors and any spilled or uneaten food would attract rats and raccoons.

Chair Olsen closed the hearing at 7:10 p.m.

## **OLD BUSINESS**

### **A. Discussion of 2015 Zoning Code Amendments, text corrections**

Brandi Eyerly gave a brief review of the 2015 minor zoning code text amendments.

#### **Action/Direction**

Commissioner Millar moved the Planning Commission recommend to the City Council approval of the 2015 Minor Zoning Code Amendments for corrections to text as set forth in the October 29<sup>th</sup> staff memo and associated attachments. Commissioner Henderson seconded the motion. Motion carried 6-0.

### **B. Discussion of 2015 Zoning Code Amendments, Keeping of Animals**

Ms. Eyerly said she spoke with the adoption coordinator at New Moon Farm Goat Rescue and Sanctuary in Arlington and she said it is easy for pygmy goats to grow to a dense weight of 150 pounds even though they are only the size of a large dog. She recommended a minimum of 2,000 sq. ft. of outdoor space be allotted to a pair of goats. Ms. Eyerly also said the woman did not recommend dehorning goats as only bucks use their horns aggressively, and a buck shouldn't be kept in an urban setting at all. She said the woman said goats do well eating hay; they do not need grain, which attracts rodents. She said she also had provided the commissioners with a handout titled "5 Reasons not to get Goats," which points out some of the difficulties of owning goats.

Commissioner Henderson asked what recourse a neighbor would have if animals on another property impacts them. Ms. Eyerly noted that there are some things written into the code such as the requirement to have a 5-foot fence around goats and that feed for goats and domestic fowl needs to be kept in rodent-proof containers. Otherwise, complaints would be addressed through code enforcement.

Commissioner Rosenfield asked what the current square footage requirement for having one goat is; Ms. Eyerly responded that it is one-quarter acre or 10,890 sq. ft. on a site with a minimum of 35,000 square feet. The proposed amendment would require a minimum 200 square feet of enclosed space per pygmy goat, which is considerably less than what is recommended by the goat rescue. Ms. Eyerly said the 200 sq. ft. figure was taken from the City of Seattle's code.

Commissioner Rosenfield said she'd like to do a little research on dehorning goats before accepting the proposed requirement that all goats be dehorned. She said it may be cruel to require that for neutered males when they don't use their horns aggressively.

Chair Olsen said he thinks a larger minimum enclosure size should be considered, based on the recommendation of the goat rescue.

Commissioner Millar asked what the code enforcement procedure is when someone complains about a neighbor's animals. Mr. Davis replied that first contact would include working with the property owner, show them best practices, put them in contact with King County Conservation District on how to eliminate the impacts of the type of livestock that they are keeping. If that doesn't work, the enforcement is progressively more intense and could end up being a nuisance situation. Rats are everywhere, so while someone might clean up their property to discourage rats, rats are probably on a nearby property as well, so it is difficult to completely eliminate them. Chair Olsen pointed out that other practices, such as composting, attract rats as well.

Commissioner Clingan asked for caution in amending the keeping of animals code since Burien is an urban area, suggesting fowl and rabbits are enough for now and miniature livestock could be addressed

sometime in the future. Chair Olsen concurred and suggested pygmy goats be included in the livestock section, rather than the small animal section, for now.

Commissioner Weber agreed that pairs of goats be allowed, given that they are a herd animal, but suggested a minimum enclosure size be added to the existing code to ensure they have ample space.

Commissioner Rosenfield asked if it would be possible to get an opinion from another goat farm to compare with the New Moon Farm recommendations. Ms. Eyerly said there is another one in Maple Valley that she can contact.

#### **Action/Direction**

The commissioners would like the miniature goat section of the proposed amendments eliminated and some portions of it included in the livestock section. They would like two goats allowed per quarter acre of space allowed for their use. They would like to see a statement about no dehorning. They also would like to include the provision about storing the food in a way that will not attract rats, the fencing requirement, and a setback requirement for the fenced area, not just the shelter. They also would like a recommendation from the goat farm in Maple Valley as well.

#### **NEW BUSINESS**

None.

#### **PLANNING COMMISSION COMMUNICATIONS**

None.

#### **DIRECTOR'S REPORT**

None.

#### **ADJOURNMENT**

##### **Direction/Action**

Commissioner Rosenfield moved for adjournment; Commissioner Millar seconded. Motion carried unanimously. The meeting adjourned at 8:05 p.m.

**APPROVED:** \_\_\_\_\_

\_\_\_\_\_  
Curtis Olsen, chair  
Planning Commission



**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** November 18, 2015  
**TO:** Planning Commission  
**FROM:** Brandi Eyerly, AICP, Planner  
**SUBJECT:** Discussion and Recommendation on Zoning Code Amendments for Update for Keeping of Animals.

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**PURPOSE/REQUIRED ACTION:**

This purpose of this agenda item is for the Planning Commission to discuss and make a final recommendation to the City Council regarding the Zoning Code Amendments to BMC 19.17.00 Keeping of Animals.

**BACKGROUND:**

At the Commission's October 28, 2015 meeting, staff reintroduced draft code language for possible zoning code amendments to Burien's code that the Commission had recommended to Council in 2014. The draft code language updated the existing, in place since 2002, which needed modifications to reflect the public's growing interest in urban resilience, sustainability and a push for healthy eating.

A Public Hearing was conducted on November 4, 2015 for the proposed amendments to the keeping of animals in BMC Title 19 Zoning Code. Public testimony was received during the Public Hearing, one in person and three (3) in writing, concerning the keeping of miniature goats.

After the public hearing closed the Planning Commission discussed goats and livestock in general. The draft language "D. Miniature goats" was stricken from the proposed amendments except for sections dealing with setbacks and food containment which were transferred to 6.Livestock, D Setbacks. Under 6. Livestock iii. the number of sheep, goats and similar sized livestock was increased from 1 to 2 per .25 acre and .iv. "Male goats shall be neutered" was added (see Attachment 3).

The Commission tabled further discussion and directed staff to contact another local goat rescue and sanctuary for its opinion on 1) a definition of miniature or pygmy goat as to size and weight; 2) minimum area size needed; and 3) if goats were suitable for smaller urban lots i.e. 7,200 square feet. Barbara Jamison of Puget Sound Goat Rescue was contacted and her response is Attachment 1 of this memorandum. Also included for the Commission's information is Attachment 2, a previous comment submitted by New Moon Farm Adoption Coordinator Deanna Moreau.

Attachment 4 is draft language that makes excessive animal noise a violation of BMC 9.105.400 Noise. This was preferred over prohibiting certain animals that have a reputation of being loud such as the pea fowl or peacock.

Each proposed amendment is consistent with criteria for zoning code amendments in BMC 19.65.100. They have been reviewed for consistency with the Comprehensive Plan; bear a substantial relation to the public health, safety, or welfare, and are in the best interest of the community as a whole.

**Planning Commission Action**

A. Following discussion on the zoning code amendments, the Planning Commission should make its recommendation to the City Council. To help sort out the individual amendments when formulating a recommendation a list of the specific amendments is provided in Attachment 5 "Proposed Amendments". One recommendation may be made for all the amendments or separate recommendations may be made on individual amendments or a group of amendments. The options for a recommendation are:

- 1) Recommend the City Council approve the proposed amendments; or
- 2) Recommend the City Council deny the proposed amendments; or
- 3) Make modifications to the recommendation and outline the findings and conclusions in support of the modifications; or
- 4) Take no action and pass the request back to the City Council without a recommendation. This would occur if there are tie votes on separate motions for approval and denial.

B. Staff suggests the following steps and motion language.

- 1) Make the motion

Approve: I move the Planning Commission recommend to the City Council approval of the 2015 Zoning Code Amendments for BMC 19. 17.100 Keeping of Animals and BMC 9.105.400 Noise as set forth in the November 18, 2015 “Proposed Amendments”.

Denial: I move the Planning Commission not recommend to the City Council approval of the 2015 Zoning Code Amendments for BMC 19. 17.100 Keeping of Animals and BMC 9.105.400 Noise as set forth in the November 18, 2015 “Proposed Amendments”.

- 2) Discussion;
- 3) Call for the vote on the motion.

If you have any questions before the meeting, please contact Brandi Eyerly at (206) 248-5519 or by e-mail at [brandie@burienwa.gov](mailto:brandie@burienwa.gov) .

#### ATTACHMENTS:

1. November 11, 2015 e-mail from Barbara Jamison, Puget Sound Goat Rescue
2. November 2, 2015 e-mail from Deanna Moreau, New Moon Farm
3. BMC 19.17.100 Keeping of Animals with proposed amendments and Planning staff comments
4. BMC 9.105.400 Noise with proposed amendment and Planning staff comment
5. November 18, 2015 Proposed Amendments

## Brandi Eyerly

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**From:** Barbara Jamison <rescuegoats@yahoo.com>  
**Sent:** Wednesday, November 11, 2015 7:01 PM  
**To:** Brandi Eyerly  
**Subject:** Re: Email from website

Hello Brandi! Thank you for reaching out to us on this issue. We strongly oppose urban goats in less than 1/4 acre. They are so intelligent and always need to be at least in pairs so putting two, no matter what size the goat, in 7200 s.f. pen would be a less than ideal life for them. Pygmy and dwarf breeds can vary a lot in size. 24" at shoulder is a good estimate. 150 lbs is actually a pretty large goat. Granted pygmies and dwarfs are no doubt fatties by nature, if they weighed that much they would be morbidly obese. They should actually be more in the 40-60 lb range but I am not sure one should worry too much about weight. It varies per goat and who is going to weight them anyway 😊 Even two standard breed goats can do ok in 1/4 acre and can weigh between 130 and 150 lbs top weight, typically. I think the Commission is spot-on with their requirements--35,000 s.f. with 1/4 devoted to goats no matter what size. What has happened in Seattle who is letting goats be kept in 20x20 pens is "homesteaders" who think milking is a grand idea (for awhile), get a female goat, or two, breed it so it kids and has milk, so then there are babies, then they rebreed to keep milk going, more babies, more goats...ugh. a mess. Anyway, I digress, please let me know if you have more questions. Sincerely

Barbara Puget Sound Goat Rescue [facebook.com/pugetsoundgoatrescue](https://facebook.com/pugetsoundgoatrescue)  
[pugetsoundgoatrescue.com](https://pugetsoundgoatrescue.com) 425-444-6591

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**From:** Brandi Eyerly <wordpress@pugetsoundgoatrescue.com>  
**To:** [rescuegoats@yahoo.com](mailto:rescuegoats@yahoo.com)  
**Sent:** Tuesday, November 10, 2015 4:57 PM  
**Subject:** Email from website

**Name:** Brandi Eyerly  
**Email:** [BrandiE@burienwa.gov](mailto:BrandiE@burienwa.gov)

**Comment:** Hello, I am a Planner for the City of Burien. The City's Planning Commission is in the process of amending the Keeping of Animals Code. They have asked that I find information on miniature/pygmy goats. Here's our questions:

What would be the minimum outdoor area that 2 goats require? How large do these type of goats get? I have found other jurisdictions prohibit goats taller than 24" at the shoulders, weigh more than 150 lbs., no bucks and require all goats be dehorned. What is your opinion of raising goats in an urban setting on lots approximately 7,200 s.f. in size? Right now the Code has goats, no matter what size, be kept on a minimum of 35,000 s.f. lots with .25 acre devoted to the goats. The Commission is leaning towards keeping it that way but want to make an informed decision. Do you have any other comments or recommendations that would help in their decision making? The Commission meets again on the 18th and I would appreciate it if you could get back to me by this coming Thursday. My telephone # is 206-248-5519. Thank you for your time.

**Time:** November 10, 2015 at 4:57 pm  
**IP Address:** 64.235.154.35  
**Contact Form URL:** <http://pugetsoundgoatrescue.com/contact-us/>  
**Sent by an unverified visitor to your site.**

## Brandi Eyerly

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**From:** Deanna Moreau <adopt@newmoonfarm.org>  
**Sent:** Monday, November 02, 2015 5:27 PM  
**To:** Brandi Eyerly  
**Subject:** Re: Keeping pygmy/miniature goats in Burien

Good questions!

It is pretty easy for even a small goat to weigh 150 lbs and over. Pygmy and Nigerian Dwarf are both small breed goats, but much heavier than say, a dog of similar height.

I would NEVER put a goat or pair of goats in 200 - 400 SF and I would never allow someone to adopt only one goat. For a small pair of goats or even a pair of less active, medium sized goats, 2,000 SF would really be a minimum. 400 SF not enough space for so many reasons. They also need 24 hr access to some kind of shelter from rain, wind and sun.

Dogs are pack animals and in the wild they depend on a pack. Domesticated dogs accept their human family as their pack. Goats are a herd animal. They depend on another of the same species for comfort and health. They touch, groom, interact and play. A solo goat will be lonely and unhappy so more likely to be depressed, vocal and more likely to have behavior issues. I have seen a few exceptions, usually an older goat that lives as a house pet, but this is not the social norm for a herd animal.

The best pets can be either a doe (female) or a wether (neutered male), nobody responsible or sane would keep a buck (unaltered male goat) as a pet in an urban setting. It is definitely responsible to say, no bucks allowed!

Horns on the other hand are not a problem as long as the owners have a good goat fence that the animal won't get their head stuck in. All goats, males and females have horns, they are actually part of the skull. They are open to the sinus cavity and are full of blood, therefor cannot be removed. Some people will disbud or dehorn the babies by burning the horn tissue when the babies are born. Besides being incredibly painful and barbaric, it is often a flawed procedure and can create health issues with scurs for the rest of the animal's life. I see approximately 150 new goats per year at the rescue, all breeds and sizes, some had their horns removed as babies, and many of those have to be treated for problems from that procedure, but I've never had a problem BECAUSE a goat has horns. Also since goats don't sweat, the horns are how they dissipate heat. Much healthier to leave the horns alone and let the goat be a goat. No negatives to allowing the horns. The only animals that tend to use their horns in an aggressive manner might be a buck, and we already determined that because of all that testosterone they are not urban pet material.

Goats do great on a diet of hay alone. A healthy goat of adequate weight does not require grain, therefor, with a proper diet is less likely to attract wildlife than a cat dish left outdoors.

Like any other pet, there are responsible owners and irresponsible owners. If owners meet animals social needs, adequate space, provide shelter, vet care, keep a good fence and clean up after them, there shouldn't be any reason not to allow them in an urban area. Of course, I say the exact same thing to my fellow dog owners!

All great questions, I think I addressed them all, but please let me know if you want more clarification.

Visit our website  
Newmoonfarm.org

## BMC 19.17.100 Keeping of Animals

1. Purpose. The raising, keeping and breeding of animals are sources of enjoyment, recreation and learning for Burien residents. The purpose of this section is to establish regulations for the keeping of animals in residential areas that will enhance and preserve compatibility between neighboring properties, minimize nuisances and disturbances caused by animals, minimize the impact of *livestock* on the environment and prevent cruelty to animals.
2. Permitted accessory use. The raising, keeping and breeding of *small animals*, bees and *livestock* are allowed as an *accessory use* to residential uses in any zone or as an *accessory use* to any permitted *use* in a *residential zone*, subject to the regulations of this section and BMC Title 6, Animals.
3. Prohibited activities. Commercial *kennels* and catteries and fee boarding of *small animals* or *livestock* are not allowed unless specifically allowed in Chapter 19.15, Use Zone Charts. This prohibition does not apply to hobby *kennels* and catteries that comply with the requirements of this subsection and BMC Title 6, Animals.
4. Small animals. The maximum number of *small animals* are as follows, provided young of adult *small animals* on the premises under 3 months in age are excluded from the density limitations:
  - A. *Small animals* which are kept in a dwelling as household pets including those kept in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in BMC Title 6.
  - B. Other *small animals* kept outside, except those otherwise regulated by this subsection, shall be limited to three per household on *lots* of less than 20,000 square feet, five per household on *lots* of 20,000 square feet, with an additional one allowed per 5,000 square feet of *site* area over 20,000 square feet up to a maximum of 20.
  - C. The total number of unaltered adult cats and dogs per household shall not exceed three, whether those animals are kept in a dwelling or outside, unless approved under a hobby *kennel* or cattery license.
  - D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*). One of the small animals allowed under 19.17.100.4.B, may be a miniature potbelly pig, provided that it does not exceed 22 inches in height at the shoulder or more than 150 pounds in weight.
  - E. Domestic fowl and Rabbits. Any combination of three (3) *domestic fowl* and rabbits, with the exception of roosters, may be kept on any *lot* in addition to the *small animals* permitted in the preceding subsections. ~~On lots of at least one half acre, domestic fowl and rabbits may be kept at the rate of 7 per one half acre. Five (5) on lots equal to or greater than 7,200 square feet, 1 additional domestic fowl or rabbit may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained.~~

### Proposed Amendments with Staff Comments

*D. Defines miniature potbelly pig for zoning code interpretation and compliance.*

*E. New code language for rabbits and domestic fowl. Establishes maximum number of domestic fowl and minimum lot sizes, enclosure requirements, setbacks from property lines and maintenance and upkeep of domestic fowl areas.*

- i. A suitable pen, structure or enclosure to house and safeguard domestic fowl and rabbits from predators shall be provided and located no less than 10-feet from the property line.
- ii. Maintenance and upkeep of *domestic fowl* and rabbit areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:
  - a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;
  - b. Store feed in rodent-proof containers;
  - c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,
  - d. Regularly clean and sanitize feeders and water dispensers.

F. Birds. Birds kept outside of a *dwelling unit* shall be kept in an aviary or loft that meets the following standards:

- i. The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird;
- ii. Aviaries or lofts shall not exceed 700 square feet;
- iii. The aviary is *set back* at least 10 feet from a separate owner's *property line*, and 20 feet from any *dwelling unit* on adjacent properties.

G. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

- i. Any covered *structure* used to house or contain 4 or more *small animals* shall maintain a distance of not less than ~~10 feet~~ 20 feet to any *property line*; and 20 feet from any *dwelling unit* on adjacent properties;
- ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application
- v. Store feed in rodent-proof containers; and,

*G. Establishes setbacks, maintenance and upkeep of outdoors animal areas for those subsections not otherwise regulated i.e. unaltered adult cats and dogs, miniature potbelly pigs, and other small animals. Smaller width lots i.e. 30 to 40 feet, will be unable to meet the 20 foot setback from the property line. Purpose of amending Keeping of Animals Code is to allow more flexibility and give residents of smaller lots the opportunity to raise small farm animals. Keep this section as amended.*

- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

H. Prohibited small animals. The keeping of roosters, mink, foxes and any exotic or wild animals that could pose a public threat or have an obnoxious nature which is a nuisance to the adjacent neighborhood are prohibited.

5. Beekeeping.

- A. *Beehives* are limited to 2 hives on *sites* less than 10,000 square feet, 4 on *sites* between 10,000 and 20,000 square feet, 10 on *sites* between 20,000 square feet and 1 acre, 20 on *sites* between 1 and 1.5 acres, and 25 on *sites* between 1.5 and 5 acres. ~~Hives shall be located at least 25 feet from any property line, except when placed behind a 6 foot high fence, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.~~
- B. ~~Bee~~*Hives* shall be located at least 25 feet from any *property line*, except when placed behind a 6 foot high *fence*, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.
- C. Colonies shall be maintained in movable-frame hives at all times.
- D. Adequate space shall be provided in each hive to prevent overcrowding and swarming.
- E. Colonies shall be requeened following any swarming or aggressive behavior.
- F. All colonies shall be registered with the State Department of Agriculture.
- G. Abandoned colonies, diseased bees, or bees living in trees, *buildings*, or any other space except in movable-frame hives shall constitute a public nuisance, and the City shall take appropriate legal action to abate the nuisance.

6. Livestock.

- A. The minimum *site* that may be used to accommodate *livestock* shall be 35,000 square feet, provided that the portion of the total *site* area available for use by the *livestock* meets the requirements of this subsection.
- B. The maximum number of *livestock* shall be as follows:
- i. Horses, cattle and similar sized *livestock* animals: 1 per acre of area available for the animal's occupancy;
  - ii. Llamas, donkeys, miniature horses and cattle and similar sized livestock animals: 1 per .5 acre available for the animal's use;
  - iii. Sheep, goats and similar sized *livestock* animals: ~~4~~ 2 per .25 acre of area available for the animal's occupancy.
  - i.v. Male goats shall be neutered;

*For animal noise enforcement a new paragraph has been inserted in BMC 9.105.400 Noise. See Attachment*

*5. A. Strike out language, it is repeated in B.*

*5.B. Add "Bee" to be consistent with definitions.*

*Section 6 Livestock Amendments per 11/5/15 discussion.*

*6.B.iii. Increases number of goats from 1 to 2 on .25 acre.*

*6.B.iv. Requires male (buck) goats to be neutered.*

~~iv.~~v. Young of adult *livestock* on the premises that are under six months of age are excluded from the density limitations; and

~~v.~~vi. *Livestock* densities may be increased as follows if a farm management plan, developed with the King Conservation District, is implemented and maintained: Three (3) horses, cows, or similarly sized animals, six (6) llamas, donkeys, miniature horses and cattle or similarly sized animals or fifteen (15) sheep, goats or similarly sized animals per gross acre of total *site* area. The farm management plan shall incorporate best management practices for grazing and pasture management, manure management, watering and feeding area management, and *stream* corridor and *wetland* management. Such plans must include a schedule for implementation and shall be on file with the Department of Community Development. Any Indian tribe with tribal rights to protection of the fisheries habitat provided by the *site* shall have 60 days from plan submission to comment on the plan. The plan must, as a minimum, achieve 25-foot vegetated *buffers* or all *streams* and *wetlands* on the *site*, and assure that drainage ditches on the *site* do not channel animal waste to such *streams* or *wetlands*.

C. Critical areas. The keeping of *livestock* is subject to the review requirements for *wetland* and *stream* protection in BMC 19.40, Critical areas.

D. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of livestock areas shall meet the following standards:

- i. Any *building* used to house, confine or feed *livestock* shall not be located closer than 35 feet to any boundary *property line*;
- ii. Any *building* used to house, confine or feed *livestock* shall not be located closer than 35 feet to any *dwelling unit* or *accessory living quarters* on the same premises, except that a barn or stable may contain a caretaker's *accessory living quarters*;
- iii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
- iv. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any *dwelling unit*, *accessory living quarters* or boundary *property line*; and any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- v. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application;
- vi. When stored within a building feed shall be in rodent-proof containers;
- vii. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects, and
- viii. *Grazing and confinement areas* may extend to the *property line*.

6.D Establishes setbacks, maintenance and upkeep of outdoors livestock areas.



E. Prohibited livestock. The keeping of hogs is prohibited, with the exception of miniature potbelly pigs allowed under subsection 19.17.100.4.D.

7. Categorization of animals. In the event that animals are proposed that do not clearly fall within the categories established by this code, the *Director* shall determine an appropriate category based on that which is most similar to the animal in question. [Ord. 355 §1, 2002]

**BMC 9.105.400 Noise.**

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(1) General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

(2) Illustrative Enumeration. The following sounds are public disturbance noises in violation of this article:

(a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

(b) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(c) Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

(e) Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

(f) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

(g) The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason, provided that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

(h) Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends; provided, however, the city manager shall have the discretion to issue variances for city of Burien public works projects if the city manager determines, after considering the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public, that the noise occurring or proposed to occur does not endanger health and safety of a substantial number of persons.

(i) Sounds originating from residential property relating to temporary projects for the maintenance or repair of horns, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

(j) Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree. Except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under BMC Title 5 Business Licenses and Regulations, and are operated in compliance with BMC Title 19 Zoning Code.

*Makes an "unreasonable degree" of animal noise a public disturbance noise in violation of the code. 1<sup>st</sup> offence is a civil fine of no more than \$200. 2<sup>nd</sup> & subsequent offences is a misdemeanor, see (4) below.*

(3) Exclusion. This chapter shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.

(4) Penalty. Any person who violates the provisions of this article shall be subject to a civil fine not to exceed \$250.00 for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor.

[Ord. 365 § 1, 2002; Ord. 63 § 81, 1993]

## November 19, 2015 Proposed Amendments

### BMC 19.17.100 Keeping of Animals

- 19.17.100.4 Small Animals

D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus).

E. Domestic fowl and Rabbits.... ~~On lots of at least one-half acre, domestic fowl and rabbits may be kept at the rate of 7 per one-half acre. Five (5) on lots equal to or greater than 7,200 square feet, 1 additional domestic fowl or rabbit may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained.~~

i. A suitable pen, structure or enclosure to house and safeguard domestic fowl and rabbits from predators shall be provided and located no less than 10-feet from the property line.

ii. Maintenance and upkeep of domestic fowl and rabbit areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:

a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;

b. Store feed in rodent-proof containers;

c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,

d. Regularly clean and sanitize feeders and water dispensers.

G. Setbacks. , maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

i. Any covered structure used to house or contain 4 or more small animals shall maintain a distance of not less than 10 feet ~~20 feet~~ to any property line; and 20 feet from any dwelling unit on adjacent properties;

ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;

- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application; and,
- v. Store feed in rodent-proof containers; and,
- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects.

- 19.17.100.5 Beekeeping Keeping

- A. ~~Hives shall be located at least 25 feet from any *property line*, except when placed behind a 6 foot high *fence*, which extends 25 feet beyond the hives in both directions, or placed at least 8 feet above the adjacent ground level.~~
- B. Hives *Beehives*

- 19.17.100.6 Livestock

- B. The maximum number of *livestock* shall be as follows:
  - iii. Sheep, goats and similar sized *livestock* animals: ~~4~~ 2 per .25 acre of area available for the animal's occupancy.
  - i.v. Male goats shall be neutered;
- D. Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of livestock areas shall meet the following standards:
  - i. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
  - ii. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any *dwelling unit*, *accessory living quarters* or boundary *property line*; and any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
  - iii. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application;
  - iv. When stored within a building feed shall be in rodent-proof containers;
  - v. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents or insects, and

### **BMC 9.105.400 Noise**

- 9.105.400(2) Illustrative Enumeration. The following sounds are public disturbance noises in violation of this article:

(j) Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree. Except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under BMC Title 5 Business Licenses and Regulations, and are operated in compliance with BMC Title 19 Zoning Code.